

TRAD THORNTON, et al.,

Plaintiffs,

VS.

LAMBERT LEASING, INC., et al.

Defendants.

[illegible]

Case No. 13-03368-CV-W-DGK

**JOINT MOTION TO EXTEND**

The parties, by and through their respective counsel, hereby jointly move the Court for an extension of certain dates set forth in this Court's January 23, 2015 Scheduling and Trial Order [ECF No. 70] as follows:

1. On January 12, 2015, the Parties submitted their Joint Proposed Scheduling Order / Discovery Plan [ECF No. 69] (“Discovery Plan”).
2. On January 23, 2015, this Court, after considering the Parties’ views in the Discovery Plan, entered a Scheduling and Trial Order [ECF No. 70] (“Order”), which established various Key Dates.
3. Since the entry of the Court’s Order, the Parties have:
  - a. Filed a Motion to Dismiss Based on Forum Non Conveniens [ECF No. 73] (“FNC Motion”), including various memoranda in support and opposition to the FNC motion and related motions concerning the filing of such memoranda [ECF Nos. 74, 87-88, 91, 94-96-99, 101-107];
  - b. Conducted a mediation on March 13, 2015 pursuant to the Court’s Mediation and Assessment Program. This mediation resulted in a settlement in principle, which was not fully consummated due to

2. On January 23, 2015, this Court, after considering the Parties' views in the Discovery Plan, entered a Scheduling and Trial Order [ECF No. 70] ("Order"), which established various Key Dates.

3. Since the entry of the Court's Order, the Parties have:

a. Filed a Motion to Dismiss Based on Forum Non Conveniens [ECF No. 73] (“FNC Motion”), including various memoranda in support and opposition to the FNC motion and related motions concerning the filing of such memoranda [ECF Nos. 74, 87-88, 91, 94-96-99, 101-107];

b. Conducted a mediation on March 13, 2015 pursuant to the Court's Mediation and Assessment Program. This mediation resulted in a settlement in principle, which was not fully consummated due to

unresolved insurance coverage questions which are the subject of a court proceeding in the Supreme Court of New South Wales (Australia); and,

c. Plaintiffs disclosed their expert witness on March 27, 2015.

4. The Parties are continuing to timely litigate this matter consistent with the Court's Order.

5. The Parties believe it is in their and the Court's best interests to continue certain Key Dates set forth in the Order as follows:

- a. Defendants / Third Party Plaintiffs' expert designations shall be filed on or before July 31, 2015;
- b. Third Party Defendants' expert designations shall be filed on or before September 30, 2015;
- c. Rebuttal expert designations shall be filed on or before November 30, 2015;
- d. All discovery motions to be filed on or before December 17, 2015;
- e. All discovery to be completed by December 31, 2015;
- f. Dispositive motions shall be filed on or before January 29, 2016; and
- g. Motions to strike expert designations (*Daubert* motions) shall be filed on or before January 29, 2016.

6. The Parties have not requested previously an extension of the Key Dates set forth in the Order.

7. The Parties jointly submit this request to extend the Key Dates set forth in the Order in recognition that the Court's anticipated ruling on the FNC Motion may affect the Key Dates set forth in the Order.

8. The Parties do not anticipate that the requested extension will affect the September 26, 2016 trial date.

Lambert Leasing, Inc.

By: /s/ Frank M. Evans

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## **CERTIFICATE OF SERVICE**

I hereby certify that on May 18, 2015, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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LAMBERT LEASING, INC.

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One of the Attorneys for Lambert Leasing, Inc.

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